

Order

Michigan Supreme Court
Lansing, Michigan

March 24, 2010

Marilyn Kelly,
Chief Justice

139076 & (27)

Michael F. Cavanagh
Elizabeth A. Weaver
Maura D. Corrigan
Robert P. Young, Jr.
Stephen J. Markman
Diane M. Hathaway,
Justices

PEOPLE OF THE STATE OF MICHIGAN,
Plaintiff-Appellee,

v

SC: 139076
COA: 290120
Macomb CC: 2003-002729-FC

CLIFFORD GOODMAN,
Defendant-Appellant.

By order of December 21, 2009, the defendant's former appellate counsel was directed to file a supplemental brief. On order of the Court, the brief having been received, the application for leave to appeal the May 12, 2009 order of the Court of Appeals is again considered, and it is DENIED. The defendant's attorney acknowledges that the delay in filing the defendant's May 23, 2005 application for leave to appeal in COA No. 262929 was due to the attorney's erroneous calculation of the appellate filing deadline, and he admits his sole responsibility for the error. Accordingly, the defendant had been deprived of his direct appeal as a result of constitutionally ineffective assistance of counsel. See *Roe v Flores-Ortega*, 528 US 470, 477; 120 S Ct 1029; 145 L Ed 2d 985 (2000); *Peguero v United States*, 526 US 23, 28; 119 S Ct 961; 143 L Ed 2d 18 (1999). For purposes of MCR 6.502(G)(1), the Court notes that the defendant's January 30, 2009 application for leave to appeal was properly denied under the standard applicable to direct appeals.

Costs are imposed against attorney Joseph L. Stewart, only, in the amount of \$250, to be paid to the Clerk of this Court.



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I, Corbin R. Davis, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

March 24, 2010

Corbin R. Davis

Clerk